

THE HONORABLE JAMAL N. WHITEHEAD

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

IN RE VALVE ANTITRUST LITIGATION

No. 2:21-cv-00563-JNW

**RESPONSE BY DEFENDANT VALVE
CORPORATION SUPPORTING
CONSUMER PLAINTIFFS' MOTION TO
CONSOLIDATE ONLY**

Valve supports the Motion to Consolidate filed by Plaintiffs Sean Colvin, Susann Davis, Hope Marchionda, and Everett Stephens (the "Colvin Plaintiffs"), Dkt. # 373,¹ because the two cases involve claims asserted on behalf of overlapping putative classes regarding allegedly anticompetitive conduct against the same Defendant. Valve agrees with the Colvin Plaintiffs that consolidating these cases under LCR 42 will promote efficiency and preserve judicial resources, expedite a resolution, prevent duplicative discovery, and reduce the risk of

¹ The Colvin Plaintiffs concurrently moved to appoint Vorys, Sater, Seymour and Pease LLP as lead counsel. Valve takes no position as to that motion at this time. *See* Dkt. # 375 (Valve and the Consumer Plaintiffs' stipulation to re-note Vorys' appointment request for November 8, with Valve's response to that request due on November 4).

inconsistent results. *See Sabbagh v. Cell Therapeutics, Inc.*, Nos. C10–414MJP, C10–480MJP, C10–559MJP, 2010 WL 3064427, at *2–3 (W.D. Wash. Aug. 2, 2010) (consolidation appropriate where cases involve overlapping classes); *Calica v. Green Diamond Res. Co.*, Case No. 2:24-cv-775-LK, 2024 WL 3276416, at *2 (W.D. Wash. July 2, 2024) (consolidation appropriate where cases involve overlapping issues).

In re Valve Antitrust Litigation is itself the result of two prior consolidations—including one that involved the Colvin Plaintiffs, who initially filed a standalone, consumer complaint. *See* Dkt. # 29; Dkt. # 90. Once again, consolidation is the appropriate solution here.

For these reasons, Valve respectfully requests that this Court consolidate this case (Case No. 2:21-cv-00563-JNW) with the *Elliott* Plaintiffs’ case (Case No. 2:24-cv-01218).

DATED this 21st day of October, 2024.

CORR CRONIN LLP

s/ Blake Marks-Dias

Blake Marks-Dias, WSBA No. 28169
Eric A. Lindberg, WSBA No. 43596
1015 Second Avenue, Floor 10
Seattle, WA 98104
(206) 625-8600 Phone
(206) 625-0900 Fax
bmarksdias@corrchronin.com
elindberg@corrchronin.com

Kristen Ward Broz
FOX ROTHSCHILD LLP
2020 K. St. NW, Ste. 500
Washington, DC 20006
Telephone (202) 794-1220
Fax (202) 461-3102
kbroz@foxrothschild.com

1 Nathan M Buchter (*pro hac vice*)
2 FOX ROTHSCHILD LLP
2000 Market Street STE 20TH FL
3 Philadelphia, PA 19103
Telephone (215) 299-3010
4 nbuchter@foxrothschild.com

5 Charles B. Casper (*pro hac vice*)
6 Jessica Rizzo (*pro hac vice*)
Peter Breslauer (*pro hac vice*)
7 Robert E. Day (*pro hac vice*)
MONTGOMERY McCracken Walker
8 & RHOADS LLP
1735 Market Street, 21st Floor
9 Philadelphia, PA 19103
Telephone (215) 772-1500
ccasper@mmwr.com
10 jrizzo@mmwr.com
pbreslauer@mmwr.com
11 rday@mmwr.com

12 *Attorneys for Defendant Valve Corporation*